

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:17-cv-00199-MR-DLH**

**TONY GALLOWAY and BRIDGETTE)
GALLOWAY,)**

Plaintiffs,

VS.

UP DISH SERVICES, LLC,

Defendant.

ORDER

THIS MATTER is before the Court on the Defendant's Motion to Dismiss [Doc. 7] and the Magistrate Judge's Memorandum and Recommendation [Doc. 13] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendant's motion and to submit a recommendation for its disposition.

On August 30, 2017, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the Defendant's motion. [Doc. 13]. The parties were advised that any objections to the Magistrate Judge's Memorandum

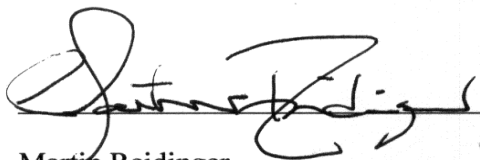
and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation that the Defendant's Motion to Dismiss be granted in part and denied in part.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 13] is **ACCEPTED**, and the Defendant's Motion to Dismiss [Doc. 7] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Motion is **GRANTED** with respect to the Plaintiffs' claim for detrimental reliance, and this claim is therefore **DISMISSED WITH PREJUDICE**. The Motion is **DENIED** with respect to the Plaintiffs' claim for breach of contract.

IT IS SO ORDERED.

Signed: September 15, 2017


Martin Reidinger
United States District Judge

